

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 18, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:34 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 11, 2005.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated October 11, 2005. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 18, 2005.**

MOTION: Stevens moved and Schorr seconded approval of all claims processed through October 18, 2005. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

- A. An application to the Nebraska Department of Economic Development for a Community Development Block Grant. The project is the development of a retail distribution center for Tractor Supply Company (TSC). (See New Business Item 4A for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to testify.

The oath was administered to Troy Gagner, Economic Development Coordinator.

Gagner gave a brief overview of the project and explained that the County Board previously acted on the application on September 20, 2005, however, the State of Nebraska is requesting that the Board hold a public hearing and review the information again.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

- B. County Special Permit No. 05038, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to construct dwellings within 1,320 feet of a public lake on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska.**
- C. County Special Permit No. 05039, Wagon Train Estates Community Unit Plan requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop six residential acreage units with associated waiver requests on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska.**
- D. County Preliminary Plat No. 05013, Wagon Train Estates, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop six residential acreage lots on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska.**

3) **PUBLIC HEARINGS CONTINUED:**

Board consensus was to hear Public Hearing Items 3B, 3C and 3D together.

The Chair opened the public hearings and asked if anyone wished to testify.

Commissioner Schorr declared a conflict of interest because the applicants are represented by legal counsel who are law partners of her husband.

The oath was administered to Bill Austin, attorney representing the applicants.

Austin gave a brief overview of the proposals stating that the applicants are requesting the approval of a community unit plan and a preliminary plat which would allow for the development of six, three-acre parcels. He noted they are requesting three waivers from the requirements set forth in the conditional approval by the Planning Commission: 1) Reduction of the 200 foot vegetative buffer setback by 50 feet to 150 feet, 2) Increase the number of approved dwelling units from four to six and 3) Defer submittal of documentation regarding the water supply system and wastewater supply system until submittal of the final plat.

Austin addressed encroachment on the public hunting areas noting that it does not seem to be a desirable location for hunting as it is located on the corner of an intersection of two paved roads and there are existing dwellings located within 150 feet. Submitted into the record by Austin was a statement related to hunting from Rodney Egger, who currently farms the subject property, as well as additional properties within the general area of the proposals (Exhibit 1).

The oath was administered to each of the following individuals appearing in favor of the proposals :

- ▶ Lyle Loth, Engineering Planning Surveying (ESP) - Displayed a site map and aerial map of the proposed area highlighting the buildable area if the waiver for the 150 foot vegetative buffer is granted
- ▶ Nancy Kaplan, 18155 South 96th Street, Hickman, Nebraska - Testified no hunting takes place in the area proposed for development and that it is the consensus of the landowners on the west side of South 96th Street between Hickman Road and her property to allow the proposals

3) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to each of the following individuals appearing in opposition to the proposals and who addressed concerns regarding encroachment on public hunting areas, development which effects the usefulness of Wagon Train Recreational Area, quantity and quality of water, safety, effect on wildlife and noise:

- ▶ Kent Forney, 5001 Trotter Circle, Lincoln, Nebraska
- ▶ Mike Kohles, 7601 Cooper Avenue, Lincoln, Nebraska
- ▶ Adam Forney, 5001 Trotter Circle, Lincoln, Nebraska
- ▶ Danay Kalkowski, 1111 Lincoln Mall, Lincoln, Nebraska, representing a group of individuals interested in protecting the use of the Wagon Train Recreational Area
- ▶ Dennis Heckman, 320 East 2nd Street, Hickman, Nebraska - Submitted names of homeowners opposed to proposals (Exhibit 2)
- ▶ Dale Finke, 9701 Wagon Trail Road, Hickman, Nebraska
- ▶ Leo Opp, 19701 South 96th Street,
- ▶ Joseph Hornung-Scherr, 10000 Wagon Train Road, Hickman, Nebraska
- ▶ Alfred Zoller, 10001 Wagon Train Road, Hickman, Nebraska
- ▶ Herta Zoller, 10001 Wagon Train Road, Hickman, Nebraska

The oath was administered to Terry Wagner, Lancaster County Sheriff.

Wagner expressed his concerns regarding law enforcement problems for his office, as well as officers with Nebraska Game and Parks, when areas are developed near public hunting land.

In closing, Austin addressed concerns regarding water quality/quantity indicating that they were requesting the submittal of documentation regarding water be deferred until the final plat is submitted. He stated it is the intention of the applicants to make the determination of whether there is adequate water for the proposed six units. If it is found there is not adequate water, the applicants intend to request an extension of the rural water district line. Austin also stated that the proposed development meets the Comprehensive Plan, the Hickman Horizon Plan and that it is in accordance with the concept that there is a need for additional acreages within the County.

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

3) **PUBLIC HEARINGS CONTINUED:**

MOTION: Heier moved and Hudkins seconded to direct the County Attorney's Offices to prepare a resolution relating to County Special Permit No. 05038, County Special Permit No. 05039, Wagon Train Estates Community Unit Plan and County Preliminary Plat No. 05013, Wagon Train Estates to approve the request for a waiver for a 150 feet vegetative buffer and 150 feet setback from the property line, to allow six parcels instead of four, to include Condition 1.12 to be submitted to the Health Department instead of the Planning Department and to include Condition 1.13 to be submitted to Health Department instead of the Nebraska Department of Environmental Quality. Heier and Hudkins voted aye. Stevens voted no. Schorr abstained from voting. Motion carried.

4) **NEW BUSINESS:**

A. A resolution authorizing the Lancaster County Board of Commissioners to apply for a Economic Development Block Grant, for the development of a Tractor Supply Company retail distribution center. (R-05-0132)

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0132 authorizing the Lancaster County Board of Commissioners to apply for a Economic Development Block Grant, for the development of a Tractor Supply Company retail distribution center. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

B. A resolution authorizing the installation of traffic signs at the following locations: On Roca Road west of South 54th Street, install a "reduced speed ahead" sign 500 feet in advance of the existing 35 mile per hour speed limit sign located at the east village limit of Roca for westbound traffic; and on Panama Road, between South 54th and South 68th Streets, relocate the 45 mile per hour speed limit sign for eastbound traffic to just east of South 54th Street. (R-05-0134)

4) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0134 authorizing the installation of traffic signs at the following locations: On Roca Road west of South 54th Street, install a "reduced speed ahead" sign 500 feet in advance of the existing 35 mile per hour speed limit sign located at the east village limit of Roca for westbound traffic; and on Panama Road, between South 54th and South 68th Streets, relocate the 45 mile per hour speed limit sign for eastbound traffic to just east of South 54th Street. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

C. A grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24-hour advocacy to victims in person or by phone, in the amount of \$56,601, and advocate cell phone support, in the amount of \$1,200. Total amount of the grant contract is \$57,801. The grantee will contribute \$14,450 in matching funds. Term of the grant contract is from July 1, 2005 to June 30, 2006. (C-05-515)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24-hour advocacy to victims in person or by phone, in the amount of \$56,601, and advocate cell phone support, in the amount of \$1,200. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

D. A grant contract with Lighthouse, Inc. for the management of Project HIRE, a job training and employment placement program for youth ages 16 through 18, in the amount of \$34,711. Term of the grant contract is September 1, 2005 through August 30, 2006. (C-05-0516)

MOTION: Stevens moved and Heier seconded approval of a grant contract with Lighthouse, Inc. for the management of Project HIRE, a job training and employment placement program for youth ages 16 through 18, in the amount of \$34,711. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

E. An agreement with the Child Guidance Center for the services of an internal case manager and for the provision of substance abuse evaluations for youth at the Youth Services Center. Term of the agreement is from July 1, 2005 to June 30, 2006. The County will pay up to \$58,952.67 for the services of the case manager and up to \$102,946.31 for substance abuse evaluations, for a total compensation amount of \$161,898.98. (C-05-0517)

MOTION: Stevens moved and Heier seconded approval of an agreement with the Child Guidance Center for the services of an internal case manager and for the provision of substance abuse evaluations for youth at the Youth Services Center. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

F. An agreement between Peoples' Health Center (PHC) and Lancaster County in which PHC will provide unreimbursed medical, dental and behavioral health services to clients eligible for, but not receiving Lancaster County General Assistance in exchange for various equipment purchased by the County. Title to such equipment will be conveyed to PHC once PHC has provided the County with services, in the amount of approximately \$50,000. The agreement commences on October 18, 2005. (C-05-0518)

MOTION: Heier moved and Schorr seconded approval of an agreement between Peoples' Health Center (PHC) and Lancaster County in which PHC will provide unreimbursed medical, dental and behavioral health services to clients eligible for, but not receiving Lancaster County General Assistance in exchange for various equipment purchased by the County. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

G. A grant contract with CASA (Court Appointed Special Advocates) for Lancaster County to provide a Volunteer Coordinator to recruit minority volunteers to assist its high minority clientele, in the amount of \$13,022. Term of the grant contract is July 1, 2005 through June 30, 2006. (C-05-0519)

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of a grant contract with CASA (Court Appointed Special Advocates) for Lancaster County to provide a Volunteer Coordinator to recruit minority volunteers to assist its high minority clientele, in the amount of \$13,022. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

H. A grant contract with the Lincoln Medical Education Partnership (LMEP) (Family Violence Council) for the management of the Coordinated Response to Reducing Domestic Violence Program, in the amount of \$14,923 and the Spanish Language Coordinator, in the amount of \$6,760. The total amount of the grant contract is \$21,683 and LMEP will contribute \$4,950 in matching funds. Term of the grant contract is from July 1, 2005 to June 30, 2006. (C-05-0520)

MOTION: Stevens moved and Heier seconded approval of a grant contract with the Lincoln Medical Education Partnership (LMEP) (Family Violence Council) for the management of the Coordinated Response to Reducing Domestic Violence Program, in the amount of \$14,923 and the Spanish Language Coordinator, in the amount of \$6,760. Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

I. A grant contract with Madonna Rehabilitation Hospital for funding of the Community Medical Transportation Project, in the amount of \$12,500. Term of the agreement is July 1, 2005 through June 30, 2006. (C-05-0521)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Madonna Rehabilitation Hospital for funding of the Community Medical Transportation Project, in the amount of \$12,500. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

J. An amendment to an interlocal agreement with the State of Nebraska Probation Administration, under County Contract C-05-0347, for the management of the Lancaster County Juvenile Drug Court through the provision of a Drug Court Coordinator, Drug Court Officer and electronic monitoring services. The Department has hired a new Coordinator and Drug Court Officer, and as a result, the total compensation will be decreased from \$119,052 to \$106,110. (C-05-0522)

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of an amendment to an interlocal agreement with the State of Nebraska Probation Administration, under County Contract C-05-0347, for the management of the Lancaster County Juvenile Drug Court through the provision of a Drug Court Coordinator, Drug Court Officer and electronic monitoring services. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

K. Allowance Modification No. 07 to a contract with Progressive Construction Company for the Lancaster County vehicle storage facility, authorizing \$4,320.66 for connection of the new water service to the water line located in the County Engineer's building. (C-05-0523)

MOTION: Heier moved and Stevens seconded approval of Allowance Modification No. 07 to a contract with Progressive Construction Company for the Lancaster County vehicle storage facility, authorizing \$4,320.66 for connection of the new water service to the water line located in the County Engineer's building. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

L. Change Order No. 02 with Progressive Construction Company for the general construction contract for the Lancaster County vehicle storage facility, crediting the unused balance in the contingency allowance to Lancaster County. (C-05-0524)

MOTION: Schorr moved and Stevens seconded approval of Change Order No. 02 with Progressive Construction Company for the general construction contract for the Lancaster County vehicle storage facility, crediting the unused balance in the contingency allowance to Lancaster County. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

M. An agreement with the State of Nebraska, Department of Roads for operating assistance for the Lancaster County Rural Transportation Program. (C-05-0525)

MOTION: Stevens moved and Heier seconded approval of an agreement with the State of Nebraska, Department of Roads for operating assistance for the Lancaster County Rural Transportation Program. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

N. Recommendation from the Purchasing Agent and the County Court Judicial Administrator to award a bid for annual requirements to provide custom printed folders, in the amount of \$12,647 for the 2005/2006 budget year. This will be a three year contract, with an option to renew for an additional three year period with mutual consent. (B-05-0036)

MOTION: Heier moved and Stevens seconded to award a bid for annual requirements to provide custom printed folders, in the amount of \$12,647 for the 2005/2006 budget year as recommended by the Purchasing Agent and the County Court Judicial Administrator. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

5) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Records and Information Management's Monthly Report for September, 2005.

B. Setting of the following public hearings for Tuesday, November 1, 2005 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Change of Zone No. 05063, from AG Agricultural District to AGR Agricultural Residential District, requested by Steven Schmidt, on property generally located southeast of the corner of North 105th Street and Alvo Road/Highway 34 in Lancaster County, Nebraska.

2. County Special Permit No. 04055, Four Stones Community Unit Plan, requested by Matt Langston of ESP on behalf of Craig Gana, to develop fourteen residential acreage units on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road in Lancaster County, Nebraska.

5) **CONSENT ITEMS CONTINUED:**

3. County Preliminary Plat No. 04025, Four Stones, requested by Matt Langston of ESP on behalf of Craig Gana, to develop 14 residential acreage lots and four outlots on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road in Lancaster County, Nebraska.

C. Requests from the following individuals to voluntarily participate in the Lancaster County retirement plan, having met the requirements:

- ▶ **Hung T. Nguyen, an employee with Property Management**
- ▶ **Gregory L. Goodwater, an employee with the Sheriff's Office**

MOTION: Schorr moved and Stevens seconded approval of the Consent Items. Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and seconded adjournment of the Board of Commissioners meeting at 3:18 p.m.. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 18, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Scott Gaines, Chief Deputy County Assessor/Register of Deeds
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:18 p.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 11, 2005.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated October 11, 2005. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 9 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Cristo Ray Catholic Church
Sisters of Mary, Queen of Mercy**

MOTION: Heier moved and Schorr seconded approval of the motor vehicle tax exemptions. Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **REMOVAL OF 2005 EXEMPTION FOR THE FOLLOWING:**

Glad Tidings Assembly of God

Scott Gaines, Chief Deputy County Assessor/Register of Deeds, recommended removal of the exemption for 2005 on real property for Glad Tidings Assembly of God.

MOTION: Stevens moved and Heier seconded to accept the recommendation of the Chief Deputy County Assessor/Register of Deeds and remove the exemption for 2005 for Glad Tidings Assembly of God (Parcel I.D. 17-32-444-001-000). Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

Ronald and Paulette Stanhope

MOTION: Stevens moved and Heier seconded to send the notice of assessed valuation change for property taxation purposes for Ronald and Paulette Stanhope (Parcel I.D. 17-32-444-001-000). Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:23 p.m.. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk